

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

April 13, 2017

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: F. Peterson, J. Doyle, T. Michalski, E. Hood, J. Montgomery-Keast, M. Hovey-Wright, B. Mazade, S. Gawron

MEMBERS ABSENT: B. Larson, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: J. EldenBrady, 1336 Spring St.; J. Ingalls, 283 Iona

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of March 16, 2017 be approved was made by B. Mazade, supported by J. Montgomery-Keast and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2017-06: Request for a Special Use Permit to operate a law office and a church at 1188 Spring St, by Joshua and Anna EldenBrady. M. Franzak presented the staff report. The parcel at 1188 Spring St has two buildings on site, addressed as 289 Isabella Ave and 1198 Spring St. The parcel is zoned R-1, Single Family Low Density Residential District. Both buildings are previously existing commercial uses that have not been converted to a residential use, which allows them to apply for a Special Use Permit for personal offices. Churches are also allowed in these districts with a Special Use Permit. The law offices of the Muskegon Community Legal Defense Center, Inc (an organization in the planning stages) would be located at 289 Isabella Ave. This building measures approximately 1,300 sf. Up to 400 sf will be open to clients and the remainder will be office/cubicle space for attorneys. They expect to have between one and four attorneys with up to two additional support staff. The building at 1198 Spring St will be used for McLaughlin Friends Fellowship, an organization also in the planning stages. Additional information on the proposed uses and building site plans were provided by the applicant. It is unclear to staff whether or not the McLaughlin Friends Fellowship would qualify as a church; however, parking is the only concern for this use, regardless of how it is classified. The ordinance calls for one parking space for every six seats for religious institutions. The floor plan provided shows 35 seats plus meeting space in the back. At a minimum, this would call for six parking spaces, but only two spaces are provided on site. Notice was sent to properties within 300 feet of this property. Staff received two comments: 1) The McLaughlin Neighborhood supported the request as long as acceptable parking arrangements were made; 2) D. Buckley of 283 Iona was opposed to the request, as he did not want any more properties taken off the tax rolls.

J. Montgomery-Keast asked how many properties in the area were not on the tax rolls. M. Franzak stated that he didn't have the number, but since it was mainly a residential area, most would be taxed properties. T. Michalski asked who currently owned the property. M. Franzak stated that, since

the application was submitted, the EldenBrady's had purchased the property and it was now theirs. J. Montgomery-Keast stated that the facades of both buildings were in disrepair and asked what the plans were for those. M. Franzak stated that the B-1 zoning would limit what type of signs they could have. Other than that, repair requirements would be addressed by the building department. Neither building was currently on the dangerous building list. B. Mazade asked where the vacant lots were in the area, as those were the areas suggested for on-street parking. M. Franzak pointed out on the map the Open Space Conservation (OCS)-zoned areas, which were located along Ambrosia Street, one block away.

J. EldenBrady explained the proposed uses for the properties, which were a law office and a non-profit agency catering to lower-income residents. He stated that the number of attorneys would be 4, maximum. If he exceeded that number, he would find a different location with larger facilities. He provided renderings of floor plans for both buildings. He stated that, although the on-site parking was lacking, there was street parking nearby as explained by M. Franzak. J. EldenBrady stated that he would be the property owner and would lease the property to his non-profit agency, thereby keeping it on the tax rolls. M. Hovey-Wright asked if he had heard of any neighbor reaction to the proposal. J. EldenBrady stated that he had spoken to 1 neighbor who didn't have a problem with it; he had not been approached by anyone stating an objection. The two houses on either side of the property were vacant. J. Ingalls stated that he was present on behalf of C. Buckley at 283 Iona, who was opposed to the request and preferred that the buildings be used as single family homes. B. Mazade asked if on-street parking could be considered when meeting the parking requirements. M. Franzak stated that a Special Use Permit could provide some leeway.

A motion to close the public hearing was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

A motion that the request for a Special Use Permit to operate a law office at 289 Isabella Avenue and a church at 1198 Spring Street be approved, was made by J. Montgomery-Keast and supported by E. Hood, with discussion continuing on the motion. B. Mazade had 2 concerns: 1), the area was zoned single family residential and the buildings looked like homes, not vacant commercial businesses; and 2) there was not adequate parking. He stated that people would tend to park as close to the business as they could, regardless of the designated parking being located a block away. J. Montgomery-Keast stated that, considering the nature of the businesses, it was likely that many clients would not be driving and would therefore not need parking. A vote was taken on the above motion and approved, with F. Peterson, J. Doyle, T. Michalski, E. Hood, J. Montgomery-Keast, M. Hovey-Wright, and S. Gawron voting aye, and B. Mazade voting nay.

Hearing, Case 2017-07: Staff-initiated request to amend the Form Based Code, Urban Residential Context Area section of the zoning ordinance to allow small multi-plex buildings for multi-family uses. M. Franzak explained that there was a plan to expand the Urban Residential zoning, with the idea of allowing for more density in the downtown area. There were currently some multi-unit buildings but they were not originally constructed that way; most were large homes that had been divided into smaller apartments. The Urban Residential Context Area of the Form Based Code currently allows the following building types: live/work, row house, duplex, detached building (single family), and carriage house. Staff is proposing to also allow small multiplex building types as well. This building type allows up to six units, as long as they meet the minimum dwelling unit size (650 sf for 1 bedroom, 875 sf for 2 bedroom, 1200 sf for 3 bedroom). It would also be required that each small multiplex be at least two stories (three maximum) and have a minimum lot width of 50 feet. Documents were provided that show where the Form Based Code document would have to be modified in order to accommodate this change. An excerpt of the Small Multiplex building types allowed in the Form Based Code was also provided.

J. Doyle asked if all lots in the proposed area were 50 feet wide. M. Franzak stated that not all

were; the ideal area for this type of building was the area around Muskegon Ave/Webster Ave/ 8th St/ 9th St. J. Montgomery-Keast asked why particular lots were chosen. M. Franzak stated that staff had studied the areas to determine which properties had already been converted to multi-family use and were zoned as such. Staff did not want to disturb the character of the single family neighborhoods.

A motion to close the public hearing was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

M. Hovey-Wright asked who in the Nelson Neighborhood this proposal was presented to. M. Franzak stated that there had been two community workshops held, and information was also presented at several of the monthly meetings of the Neighborhood Associations of Muskegon (NAM).

A motion that the proposed amendments to the Form Based Code, Urban Residential Context Area to allow small multi-plex building types be recommended to the City Commission for approval was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved, with F. Peterson, J. Doyle, T. Michalski, E. Hood, J. Montgomery-Keast, M. Hovey-Wright, B. Mazade and S. Gawron voting aye.

NEW BUSINESS

None

OLD BUSINESS

Update on Urban Residential zoning expansion – M. Franzak stated that the new R1, R2, and R3 zoning districts had been approved by City Commission. Staff had been working with the County GIS department on rezoning all the areas at once. The NAM group had been updated on the latest proposals and a legal notice was posted in the newspaper as required by the Michigan Zoning Enabling Act. J. Doyle asked if a posting on the City's website would meet the Act's noticing requirement. M. Franzak stated that it did not meet the requirement, but the information was posted there as well.

OTHER

None.

There being no further business, the meeting was adjourned at 4:46 p.m.